

ESTTA Tracking number: **ESTTA467942**

Filing date: **04/19/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91204581
Party	Plaintiff ON Optimum Nutrition Limited
Correspondence Address	Ashly Iacullo Pattishall, McAuliffe, Newbury, Hilliard & Geraldson LLP 311 S. Wacker Drive Suite 5000 Chicago, IL 60606 UNITED STATES ai@pattishall.com, jsj@pattishall.com
Submission	Other Motions/Papers
Filer's Name	Ashly Iacullo, Member of Illinois Bar
Filer's e-mail	ai@pattishall.com, jsj@pattishall.com
Signature	/Ashly Iacullo/
Date	04/19/2012
Attachments	Notice Undeliverable Service.PDF ( 5 pages )(165998 bytes )

**UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

In The Matter of Application Serial No. 85/346,745: OPTIMAL NUTRITION CARE

Published in the *Official Gazette* on December 6, 2011

ON OPTIMUM NUTRITION LIMITED,	)	
	)	
Opposer,	)	Opposition No. 91204581
	)	
v.	)	
	)	
ZIA BARKATULLAH, an individual,	)	
	)	
	)	
Applicant.	)	

**NOTICE OF UNDELIVERABLE SERVICE COPY**

On April 4, 2012, ON Optimum Nutrition Limited ("Optimum") opposed Application No. 85/346,745. On that same day, Opposer sent a service copy to the applicant at the address listed in the TSDR system for that registration. Attached hereto as Exhibit A is the current TSDR printout for Application No. 85/346,745. On April 17, 2012, the service copy was returned to Optimum's attorney of record as undeliverable. Attached hereto as Exhibit B is the service envelope marked "not deliverable."

In accordance with Trademark Rule 2.101(b), Optimum is hereby providing notice to the Trademark Trial and Appeal Board that it was unable to effect service upon the applicant.

PATTISHALL, McAULIFFE, NEWBURY,  
HILLIARD & GERALDSON LLP

Dated: April 19, 2012

By: /s/ Ashly Iacullo  
Jonathan S. Jennings  
Ashly A. Iacullo  
311 South Wacker Drive, Suite 5000  
Chicago, Illinois 60606  
(312) 554-8000

Attorneys for Opposer, ON Optimum Nutrition Limited

# **EXHIBIT A**

STATUS

DOCUMENTS

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Mark: OPTIMAL NUTRITION CARE

Optimal Nutrition Care

US Serial Number: 85346745

Application Filing Date: Jun. 15, 2011

Filed as TEAS Plus: Yes

Currently TEAS Plus: Yes

Register: Principal

Mark Type: Trademark

Status: An opposition after publication is pending at the Trademark Trial and Appeal Board. For further information, see TTABVue on the Trademark Trial and Appeal Board web page.

Status Date: Apr. 04, 2012

Publication Date: Dec. 06, 2011

**Mark Information****Goods and Services****Basis Information (Case Level)**

Filed Use: No

Currently Use: No

Amended Use: No

Filed ITU: Yes

Currently ITU: Yes

Amended ITU: No

Filed 44D: No

Currently 44D: No

Amended 44D: No

Filed 44E: No

Currently 44E: No

Amended 44E: No

Filed 66A: No

Currently 66A: No

Filed No Basis: No

Currently No Basis: No

**Current Owner(s) Information**

Owner Name: Barkatullah, Zia

Owner Address: 8

5704 Cypress Ave  
Gary, INDIANA 46403  
UNITED STATES

Legal Entity Type: INDIVIDUAL

Citizenship: UNITED STATES

**Attorney/Correspondence Information****Prosecution History****TM Staff and Location Information**

# **EXHIBIT B**



311 South Wacker Drive • Suite 5000 • Chicago IL 60606



Zia Barkatullah  
5704 Cypress Avenue  
Apartment 8  
Gary, Indiana

NIXIE 452 RETURN TO SENDER 00 04/12/12  
NOT DELIVERABLE AS ADDRESSED  
UNABLE TO FORWARD  
RC: 6060663150 72522-12248-04-28

45403-61555 @6647